

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Eugene H. Smith and Pamela A. Smith, husband and wife
22 Congress Court
Quakertown, PA 18951

Address of Defendant: See attached List

Place of Accident, incident or Transaction: Various
(Use Reverse Side for Additional Space)

Does this case involve multidistrict litigation possibilities? Yes ☒ No ☐

RELATED CASE IF ANY

Case Number: 01-CV-5981 Judge Date Terminated: N/A

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes ☒ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes ☐ No ☒

CIVIL: (Place an ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act — Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
(please specify)-Related to Chapter 11 Filing

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate category)

I, _____, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____ Attorney-at-Law Attorney I.D. #

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: _____ Attorney-at-Law Attorney I.D. #

Defendants (Names and Addresses):

DaimlerChrysler Corporation
1000 Chrysler Drive
Auburn Hills, MI 48326-2766

Ford Motor Company
Parklane Towers West
Suite 1500
Three Parklane Boulevard
Dearborn, MI 48126-2568

General Motors Corporation
400 Renaissance Center
P.O. Box 400
Detroit, MI 48265-4000

Federal-Mogul Global, Inc., individually and/or as parent company, successor in interest, or indemnitor to or of:

Fel-Pro, Inc.,

Ferodo America, Inc.,

Gasket Holdings, Inc., formerly known as Flexitallic Gasket Company,

Moog Automotive Inc., formerly known as Wagner Electric Corporation,

Pncumo Abex Corp., or

T&N plc.

2655 Northwestern Highway
Southfield, MI 48034

JS44
(Rev. 12/96)
CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

Eugene H. Smith and Pamela A. Smith, husband and wife

DEFENDANTS

SEE ATTACHED

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Alan S. Battisti, Esquire
Law Offices of Peter G. Angelos, P.C.
60 W. Broad Street - Suite 200
Bethlehem, PA 18018
(610) 866-3333

ATTORNEYS (IF KNOWN)

Lavin, Coleman, O'Neil, Ricci, Finarelli & Gray
Penn Mutual Tower
510 Walnut Street - Suite 1000
Philadelphia, PA 19106
(215) 627-0303**II. BASIS OF JURISDICTION** (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- (For Diversity Cases Only)
- | | | | | | | | |
|---|----------------------------|----------------------------|---|---|----------------------------|-----|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | DEF | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | DEF | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | | |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 | | |

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Action for personal injury for asbestos exposure against Federal-Mogul Global, Inc., or companies it purchased and removing defendants, removed pursuant to 28 U.S.C. § 1452(a).

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input checked="" type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 442 Appeal <input type="checkbox"/> 28 USC 158 <input type="checkbox"/> 423 Withdrawal <input type="checkbox"/> 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (139ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions

VI. ORIGIN

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another District (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:CHECK IF THIS IS A
☐ UNDER F.R.C.P. 23**CLASS ACTION**DEMAND \$
Not Specified

Check YES only if demanded in complaint

JURY DEMAND ☐ YES ☐ NO**VIII. RELATED CASE(S) (See instructions) IF ANY**

JUDGE

DOCKET NUMBER 01-CV-5981

DATE June 28, 2002 SIGNATURE OF ATTORNEY OF RECORD

Edward T. Finch, Esquire

RECEIPT# AMOUNT APPLYING IFP JUDGE MAG JUDGE

Defendants (Names and Addresses):

DaimlerChrysler Corporation
1000 Chrysler Drive
Auburn Hills, MI 48326-2766

Ford Motor Company
Parklane Towers West
Suite 1500
Three Parklane Boulevard
Dearborn, MI 48126-2568

General Motors Corporation
400 Renaissance Center
P.O. Box 400
Detroit, MI 48265-4000

Federal-Mogul Global, Inc., individually and/or as parent company, successor in interest, or indemnitor to or of:

Fel-Pro, Inc.,

Ferodo America, Inc.,

Gasket Holdings, Inc., formerly known as Flexitallic Gasket Company,

Moog Automotive Inc., formerly known as Wagner Electric Corporation,

Pneumo Abex Corp., or

T&N plc.

2655 Northwestern Highway
Southfield, MI 48034

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

EUGENE H. SMITH and PAMELA A. SMITH, husband
and wife

CASE NO.

V.

DAIMLERCHRYSLER CORPORATION
FORD MOTOR COMPANY
GENERAL MOTORS CORPORATION
FEDERAL-MOGUL GLOBAL, INC.

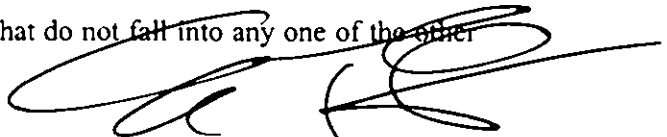
In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See §1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus Cases brought under 28 U.S.C. §2441 through §2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 8. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. (X)
- (e) Special Management - Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

June 28, 2002

(Date)



Attorney-at-law

Edward T. Finch, Esquire

Attorney for

DaimlerChrysler Corporation, Ford Motor Company and General
Motors Corporation

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EUGENE H. SMITH and PAMELA A. SMITH, CASE NO.
husband and wife

V.

DAIMLERCHRYSLER CORPORATION
FORD MOTOR COMPANY
GENERAL MOTORS CORPORATION
FEDERAL-MOGUL GLOBAL, INC.

NOTICE OF REMOVAL

Defendants DaimlerChrysler Corporation, Ford Motor Company and General Motors Corporation (the "automobile manufacturers") hereby give notice of the removal to the United States District Court for the Eastern District of Pennsylvania of the claims which have been asserted against them in the action captioned Eugene H. Smith and Pamela A. Smith, husband and wife v. AC&S, Inc., et al. now pending in the Court of Common Pleas of Northampton County, at No. C0048AB2002000366. This Notice of Removal is filed pursuant to 28 U.S.C. § 1452(a), and as grounds for removal the automobile manufacturers state the following:

1. The action of which the removed claims are a part was commenced in the Court of Common Pleas of Northampton County.
2. The removed claims are those for personal injury or wrongful death asserted against the automobile manufacturers on the basis of alleged exposure to certain of their asbestos-containing products, including brakes and other automotive parts, manufactured for the automobile

manufacturers by Federal-Mogul Global, Inc., or companies that it purchased, one or more of which is a co-defendant of the automobile manufacturers.

3. On October 1, 2001 Federal-Mogul Global, Inc. filed a voluntary petition for protection under Chapter 11 of the United States Bankruptcy Code, commencing bankruptcy case number 01-10578 (the "Federal-Mogul Bankruptcy Case") currently pending in the United States Bankruptcy Court for the District of Delaware.

4. The removed claims may be removed to this Court pursuant to 28 U.S.C. § 1452(a): (i) the removed claims are asserted in a civil action not exempt from removal; and (ii) the Court has jurisdiction of the removed claims under 28 U.S.C. § 1334. All claims asserted against the Removing Defendants are related to the Federal-Mogul Bankruptcy Case, and the continued prosecution, outcome at trial or other resolution of the claims will have an effect on the administration of the Federal-Mogul Bankruptcy Case.

5. Removal to this Court is timely pursuant to Federal Rule of Bankruptcy Procedure 9027(a)(3) in that the Federal-Mogul Bankruptcy Case was pending when the removed claims were asserted on or after October 1, 2001 and in that this notice has been filed within 30 days of receipt by one or all of the automobile manufacturers of a copy of the initial pleading setting forth the removed claims.

6. Upon removal, the proceedings with respect to the removed claims are non-core. The automobile manufacturers do not consent to entry of a final order or judgment by the bankruptcy judge to the extent the bankruptcy court is authorized to hear or determine such claims consistent with 28 U.S.C. § 157(b)(5).

7. The purpose of removal is to facilitate transfer of the removed claims to the United States District Court for the District of Delaware, the district court presiding over the Federal-Mogul Bankruptcy Case, to resolve on a consolidated basis the common threshold scientific issues concerning whether brakes and other automotive parts cause disease. *See, e.g., In re Dow Corning Corp.*, 1995 W.L. 495978, at *2 (Bankr. E.D. Mich. Aug. 9, 1995) (personal injury tort claims transferred to bankruptcy court pursuant to 28 U.S.C. § 157(b)(5) to resolve threshold scientific issues concerning whether silicone breast implants caused disease after removal to federal court pursuant to 28 U.S.C. § 1452(a)).

8. On November 20, 2001, the automobile manufacturers filed in the Federal-Mogul Bankruptcy Case a motion pursuant to 28 U.S.C. § 157(b)(5) to transfer this and all other claims related to brakes and automotive parts for consolidated resolution of the threshold scientific issues concerning whether brakes and other automotive parts cause disease.

9. On December 10, 2001 the Honorable Alfred M. Wolin issued the attached Order provisionally transferring pursuant to 28 U.S.C. § 157(b)(5) the claims asserted against the automobile manufacturers to the United States District Court for the District of Delaware.

10. On January 3, 2002, Judge Wolin issued a letter opinion and order reiterating that all asbestos friction claims against the automobile manufacturers pending in federal courts as of December 10 had been transferred, and ordering any claims removed after December 10 transferred as well. A copy of the Order and Opinion are attached to this Notice.

11. On February 8, 2002, the Honorable Alfred M. Wolin denied the "Motions to Transfer the 'Friction Claims'" and simultaneously remanded the friction products claims. Attached hereto is a copy of said Order.

12. However, on February 11, 2002, the United States Court of Appeals for the Third Circuit granted a Temporary Stay of Judge Wolin's February 8, 2002 Court Order so that the matter could be considered by a three-judge panel of that court. Attached hereto is a copy of said Order.

13. The Removing Defendants file this Notice of Removal to adequately protect the interests of Removing Defendants and to facilitate transfer of these claims to the United States District Court for the District of Delaware pursuant to Judge Wolin's provisional transfer order.

14. The automobile manufacturers will comply with 28 U.S.C. § 1446(d) by promptly giving notice of the filing of this Notice of Removal to all adverse parties to the action pending in the state court and filing a copy of this Notice of Removal with the prothonotary of the Court of Common Pleas of Northampton County.

Respectfully submitted,

LAVIN, COLEMAN, O'NEIL, RICCI,
FINARELLI & GRAY

BY 

Edward T. Finch, Esquire
Attorney for Defendants,
DaimlerChrysler Corporation,
Ford Motor Company and
General Motors Corporation

CERTIFICATE OF SERVICE

I, Edward T. Finch, Esquire, hereby certify that pursuant to 28 U.S.C. § 1446(d) written notice of the removal of this action will be promptly given to all adverse parties and a copy of the Notice of Removal will be filed with the Court of Common Pleas.

A handwritten signature in black ink, appearing to read 'E. Finch', is written over a horizontal line.

Edward T. Finch, Esquire

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY, PENNSYLVANIA
CIVIL ACTION - ASBESTOS
ASBESTOS LITIGATION - FILING COVER SHEET

A. Document being filed:

- 1- Complaint in Civil Action - Asbestos

B. Docketing of Document:

- 1- Please designate appropriate Master File for *docketing* of document:

 Asbestos: Bethlehem Steel Master File, No. C0048AB200000002

 Asbestos: Trades Master File, No. C00048AB200000003

 X Asbestos: General Master File, No. C0048AB200000004

- 2- Please designate appropriate individual claimant's file. If any, for *docketing* of document-type in caption and term number.

Eugene H. Smith and Pamela A. Smith, husband and wife v. ACandS, Inc., et al.

No. C0048AB2002000 366

C. Filing of Document:

- 1- Please designate appropriate Master File for *filing* of document-type in caption and term number.

 Asbestos: Bethlehem Steel Master File, No. C0048AB200000002

 Asbestos: Trades Master File, No. C00048AB200000003

 X Asbestos: General Master File, No. C0048AB200000004

- 2- Please designate appropriate individual claimant's file. If any, for *docketing* of document-type in caption and term number.

Eugene H. Smith and Pamela A. Smith, husband and wife v. ACandS, Inc., et al.

No. C0048AB2002000 366

D. Related Cases

If document pertains to ten or more asbestos cases but less than all cases, please attach a list of all related cases listing the captions and docket numbers to which the original document pertains.

By: Alan S. Battisti, Esquire

Attorney For: Plaintiffs

Address: 60 West Broad Street, Suite 200

Bethlehem, PA 18018

Telephone: (610) 866-3333

Supreme Court I.D.: #59053

I hereby certify this is a true and correct copy of the original.

Alan A. Battist

LAW OFFICES OF PETER G. ANGELOS, P.C.

60 W. Broad Street
Suite 200
Bethlehem, PA 18018
(610) 866-3333

**IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY - PENNSYLVANIA
CIVIL DIVISION - ASBESTOS**

Eugene H. Smith and Pamela A. Smith,
husband and wife,

Plaintiffs,

vs.

ACandS, Inc., et al

Defendants.

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*
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No. C0048AB2002000 366

CIVIL ACTION - ASBESTOS

JURY TRIAL DEMANDED

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

NORTHAMPTON COUNTY BAR ASSOCIATION
ATTORNEY REFERRAL AND INFORMATION SERVICE
155 South Ninth Street
Easton, PA 18042-4399
Telephone: (610) 258-6333

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY - PENNSYLVANIA
CIVIL DIVISION - ASBESTOS

Eugene H. Smith and Pamela A. Smith
husband and wife,
22 Congress Court
Quakertown, Pa. 18951

Plaintiffs,

vs.

ACandS, Inc.
120 N. Lime Street
Lancaster, Pennsylvania 17602

and

Allied Signal, Inc.
c/o CT Corporation Systems
1515 Market Street, Suite 1210
Philadelphia, PA 19102

and

Amchem Products, Inc.
c/o C.T. Corporation System
1515 Market Street, Suite 1210
Philadelphia, PA 19102

and

BF Goodrich Company
c/o CT Corporation Systems
1515 Market Street, Suite 1210
Philadelphia, PA 19102

and

No. C0048AB2002000

Viacom, Inc., Successor by merger to
CBS Corporation
f/k/a Westinghouse Electric Corp.
c/o Asbestos Litigation Support Manager
Eckert, Seamans, Cherin & Mellott, LLC
Case Management and Technology Center
Gulf Tower, 5th Floor
707 Grant Street
Pittsburgh, PA 15222

and

Clayton Dubilier & Rice
c/o The Corporation Trust Company
1209 Orange Street
Wilmington, DE 19801

and

Cooper Industries
c/o C.T. Corporation System
1515 Market Street, Suite 1210
Philadelphia, PA 19102

and

Crown, Cork & Seal Company, Inc.
1 Crown Way
Philadelphia, PA 19104

and

**Daimler Chrysler Corporation
c/o CT Corporation Systems, Inc.
1515 Market Street, Suite 1210
Philadelphia, PA 19102**

and

Ferro Engineering
A Division of Oglebay Norton Co.
1100 Superior Avenue
Cleveland, Ohio 44114

and

The Flintkote Company
Three Embarcadero Center; Suite 1190
San Francisco, CA 94111-4047

and

Ford Motor Company
c/o CT Corporation Systems
1515 Market Street, Suite 1210
Philadelphia, PA 19102

and

Foseco, Inc.
c/o C.T. Corporation System
1515 Market Street, Suite 1210
Philadelphia, PA 19102

and

Foster-Wheeler Corporation
Perryville Corporate Park
Clinton, N.J. 08809-4000

and

General Electric Company
c/o C.T. Corporation System
1515 Market Street, Suite 1210
Philadelphia, Pa. 19102

and

**General Motors Corporation
c/o C.T. Corporation Systems
1515 Market Street, Suite 1210
Philadelphia, PA 19102**

and

General Refractories Company
225 City Line Ave.
Suite 114
Bala Cynwyd, PA 19904

and

**The Goodyear Tire & Rubber Company
c/o C.T. Corporation System
1515 Market Street, Suite 1210
Philadelphia, PA 19102**

and

Halliburton Technical Services, Inc.
c/o CT Corporation System
1515 Market Street, Suite 1210
Philadelphia, Pa. 19102

and

Hercules Chemical Corporation
c/o Leonard A. Ruvolo
111 South Street
Passaic, NJ 07055

and

John Crane, Inc.
f/k/a Crane Packing Company
6400 Oakton Street
Morton Grove, IL 60053

and

Lac d'Amiante du Quebec, Ltee
a/k/a Lake Asbestos of Quebec, Ltd.
a/k/a LAB Chrysolite, Ltd.
a/k/a ASARCO
156 W. 56th Street, #1902
New York, NY 10019

and

Pfizer, Inc.
235 East 42nd Street
New York, NY 10017

and

Pneumo Abex Corporation
f/k/a Abex Corporation
c/o Prentice Hall Corporation System, Inc.
319 Market Street
Harrisburg, PA 17101

and

Premier Refractories, Inc.
f/k/a J.H. France Refractories Co.
c/o C.T. Corporation System
1515 Market Street, Suite 1210
Philadelphia, PA 19102

and

Quigley Co., Inc.
subsidiary of Pfizer, Inc.
235 E. 42nd Street
New York, NY 10017

and

Rapid American Corporation
C/O Prentice Hall Corp System
2704 Commerce Drive, Suite B
Harrisburg, PA 17110

and

Rockbestos Co.
f/k/a The Rockbestos Wire &
Cable Company
20 Bradley Park Road
East Granby, CT 06062

and

Union Carbide Chemical & Plastics Co., Inc.
f/k/a Union Carbide Corporation
c/o Joan Murphy, Paralegal
Kelley, Drye & Warren
101 Park Avenue, 32nd Floor
NY, NY 10178-0002

and
Uniroyal, Inc.
70 Great Hill Road
Naugatuck, Connecticut 06770
and
Universal Refractories, Inc.
A Division of Thiem Corporation
c/o Cabraja & Wright
3400 Gulf Tower
707 Grant Street
Pittsburgh, Pa. 15219
Defendants.

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SHORT FORM COMPLAINT AND DEMAND FOR JURY TRIAL

Eugene H. Smith and Pamela A. Smith, through their attorneys sue the Defendants captioned above and hereby adopt and incorporate all relevant portions of the Master Complaint and by reference the causes of action and paragraphs set forth in the Master Complaint as follows: General/Other Master File No. C0048AB200000004.

Plaintiff Eugene H. Smith

INTRODUCTION - Paragraphs 1-4 and 6-7;

1. **COUNT ONE - STRICT LIABILITY** - Paragraphs 1, 3, 4, 5, 6, 7, 8, 9, 10 and 11;
2. **COUNT TWO - BREACH OF WARRANTY** - Paragraphs 12, 13 and 14
3. **COUNT THREE - NEGLIGENCE** - Paragraphs 15,16, 17, 18 and 19;

4. COUNT FOUR - FRAUD - Paragraphs 20, 21, 22, 23, 24 and 25;

5. COUNT FIVE - CONSPIRACY - Paragraphs 26, 27, 28, 29 and 30;

Plaintiffs, Eugene H. Smith and Pamela A. Smith

INTRODUCTION - Paragraph 1-4 and 6-7;

6. COUNT SIX - LOSS OF CONSORTIUM - Paragraphs 31, 32, 33 and 34;

ADDITIONAL INFORMATION
SHORT FORM COMPLAINT

The following information is provided pursuant to Master Procedural Order No. 1, entered by the Court on December 29, 1999;

7. Plaintiff, Eugene H. Smith, Date of Birth 8/17/46, SS#194-36-8903, and Pamela A. Smith are adults who reside at 22 Congress Court, Quakertown, Pennsylvania 18951.

8. Plaintiff, Eugene H. Smith, has sustained an asbestos related injury and was diagnosed with pulmonary asbestosis on or about October 6, 2000.

9. Plaintiffs time period of exposure to asbestos dust and fibers was from approximately 1971 to 1999. Plaintiff was employed as a laborer during this period of time.


10. Plaintiff was employed by American Ocean Tile and worked at the following location: American Ocean Tile, Lansdale, Pennsylvania

11. Plaintiffs claim no wage loss at this time.

DEMAND FOR JURY TRIAL

Plaintiffs elect to have their case tried before a jury.

LAW OFFICES OF PETER G. ANGELOS, P.C.

By: 
George A. Weber, III
I.D.#75162
Alan S. Battisti
I.D.#59053
Attorneys for Plaintiffs

VERIFICATION

I hereby certify that I am a plaintiff in the instant matter and the facts contained in the Complaint are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa. C. S. Sect. 4904 relating to unsworn falsification to authorities

Date: 5/22/02

Eugene H. Smith

Eugene H. Smith

EXHIBIT "A"

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

IN RE: FEDERAL-MOGUL : Chapter 11
GLOBAL, INC., T&N : Case Nos. 01-10578, et al.¹
LIMITED, et al., :
 :
 :
 Debtors. :

**ORDER OF CLARIFICATION RE:
PROVISIONAL TRANSFER OF FRICTION PRODUCTS CLAIMS**

This matter having been opened upon the Court's own motion; and the Court having withdrawn the reference with respect to several motions to transfer and to provisionally transfer (the "Transfer Motions") claims pending in the several United States District Courts against defendant manufacturers of so-called "friction products" (respectively the "Friction Products Claims" and the "Friction Products Defendants") previously removed by the Friction Products Defendants from the several state courts; and for the reasons set forth in the letter opinion of the Court filed herewith; and for good cause shown

It is this day of January, 2002

ORDERED that this Order governs all Provisional Transfer Orders whether already issued by the Court or that may be issued in the future and those Orders shall not be construed in a manner inconsistent with the terms of this Order, and it is further

ORDERED that the Provisional Transfer Orders are limited in

¹See attached list.

effect to only those claims against the Friction Products Defendant(s) identified in the respective moving papers and Provisional Transfer Orders and that no other claims and no other parties are affected by the Provisional Transfer Orders, and it is further

ORDERED that any Friction Product Claim that would have been subject to a Provisional Transfer Order previously issued by this Court but for the fact that such Friction Product Claim had not yet been removed on the date the Provisional Transfer Order was issued is hereby provisionally transferred to this Court subject to further Order of this Court, and it is further

ORDERED that counsel identified in the Court's previous Provisional Transfer Orders shall provide to claimants provisionally transferred by this Order such notice and waivers of further service as was specified in the relevant previous Orders, and it is further

ORDERED that claimants provisionally transferred by this Order shall not be subject to the briefing schedule with respect to the Transfer Motion, and shall file no papers in opposition to the Transfer Motion except as provided by further Order of this Court.

/s/
ALFRED M. WOLIN, U.S.D.J.

IN RE: FEDERAL-MOGUL GLOBAL, INC.
Case Numbers

01-10578	01-10643	01-10700	01-10750
01-10580	01-10644	01-10701	01-10751
01-10582	01-10646	01-10702	01-10752
01-10585	01-10647	01-10703	01-10753
01-10586	01-10649	01-10704	01-10754
01-10587	01-10650	01-10705	01-10755
01-10589	01-10651	01-10706	01-10756
01-10591	01-10652	01-10707	01-10757
01-10593	01-10653	01-10708	01-10758
01-10594	01-10654	01-10710	01-10759
01-10596	01-10655	01-10711	01-10760
01-10598	01-10656	01-10712	01-10761
01-10599	01-10657	01-10713	01-10762
01-10600	01-10658	01-10714	01-10763
01-10601	01-10659	01-10715	01-10764
01-10603	01-10660	01-10716	01-10765
01-10604	01-10661	01-10717	01-10766
01-10605	01-10662	01-10718	01-10767
01-10606	01-10664	01-10719	01-10768
01-10608	01-10665	01-10721	01-10769
01-10610	01-10666	01-10722	01-10770
01-10611	01-10668	01-10723	01-10771
01-10613	01-10669	01-10724	01-10772
01-10614	01-10672	01-10726	01-10773
01-10615	01-10673	01-10727	01-10774
01-10617	01-10675	01-10728	
01-10618	01-10682	01-10729	
01-10619	01-10683	01-10730	
01-10620	01-10684	01-10731	
01-10621	01-10685	01-10732	
01-10622	01-10686	01-10733	
01-10623	01-10687	01-10734	
01-10625	01-10688	01-10736	
01-10626	01-10689	01-10737	
01-10627	01-10690	01-10739	
01-10629	01-10691	01-10741	
01-10630	01-10692	01-10742	
01-10632	01-10693	01-10743	
01-10633	01-10694	01-10744	
01-10634	01-10695	01-10745	

01-10637	01-10696	01-10746
01-10638	01-10697	01-10747
01-10640	01-10698	01-10748
01-10641	01-10699	01-10749

EXHIBIT "B"

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re: :
: CHAPTER 11
FEDERAL-MOGUL GLOBAL, INC., :
: BANKRUPTCY NO. 01-10587
Debtor. : (jointly administered)

ORDER 1) DENYING THE MOTIONS TO TRANSFER THE "FRICTION PRODUCTS CLAIMS" AND 2) REMANDING THE FRICTION PRODUCTS CLAIMS

This matter having been opened before the Court upon the several motions of parties, denominated in the prior Orders of the Court as the "Friction Products Defendants," to transfer to this District into the above-captioned proceedings the claims against the movants previously denominated "Friction Products Claims"; and the Court having previously granted this motion on a provisional basis and the Friction Products Claims having already been provisionally transferred to this Court subject to a plenary hearing on the motion to transfer; and the Court having previously given notice to the parties that it would consider arguments directed to subject matter jurisdiction, abstention and remand in ruling upon the movants' applications; and the Court having reviewed the submissions of counsel and heard oral argument; and for the reasons set forth on the record at the hearing on those motions today, as supplemented by a written Opinion to follow; and for good cause shown

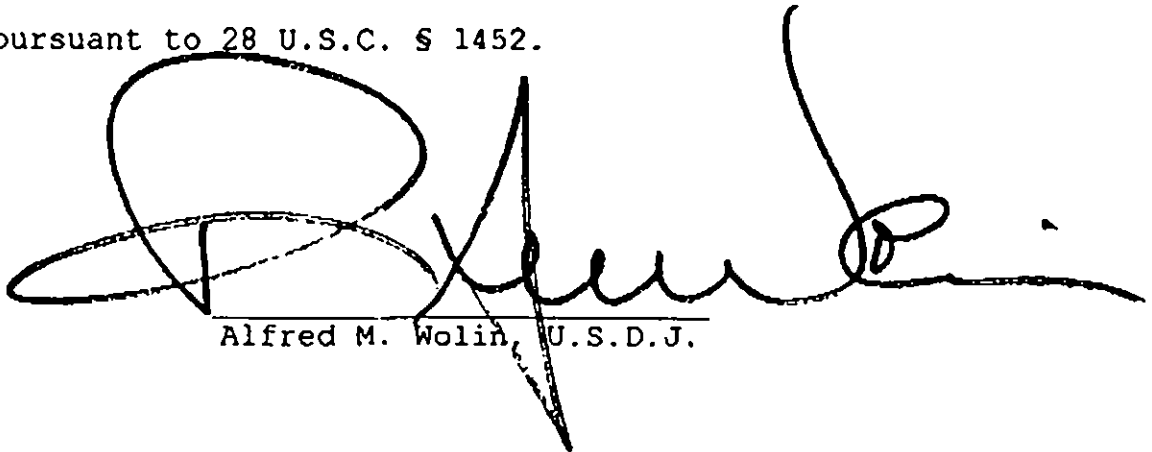
It is this 8th day of February 2002

ORDERED that the motions to transfer the Friction Products Claims are denied, and it is further

ORDERED that this Court lacks subject matter jurisdiction over the Friction Products Claims, and it is further

ORDERED that the Friction Products Claims are remanded to the state courts from which they were removed pursuant to 28 U.S.C. § 1447, and it is further

ORDERED that, in the alternative, the Friction Products Claims are remanded to the state courts from which they were removed pursuant to 28 U.S.C. § 1452.

A large, stylized handwritten signature in black ink, appearing to read 'Alfred M. Wolin', is written over a horizontal line. The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Alfred M. Wolin, U.S.D.J.

EXHIBIT "C"

No. 02-1426

In Re: Federal-Mogul Global, Inc., et al.

Daimler Chrysler Corporation, Ford Motor
Company and General Motors Corporation,
Appellants

(DC No. 01-10578 (AMW))


Present: Scirica, Circuit Judge

1) Emergency Motion for Stay Pending Appeal by Appellants

ORDER

The forgoing Motion for stay is granted temporarily in order for the Court to receive responses to the motion from opposing counsel and for full consideration of the matter by a three judge panel. Appellees' shall file written responses to the motion for stay on or before 10:00 am, Friday, February 15, 2002.

For the Court,


Clerk

Dated: FEB 11 2002

JSC/cc: CL, EW, EI
RM, AR, PK
ME, JK, WW
RP, JSG

EXHIBIT "D"

Edward Finch - schedulingorder.pdf

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**IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

Nos. 02-1426, 02-1491, 02-1492, 02-1588, 02-1652, 02-1664, 02-1688 and 02-1741

IN RE: Federal-Mogul Global, Inc.

PRESENT: Becker, Chief Judge

ORDER

The following briefing schedule is hereby established in these consolidated appeals:

April 8, 2002: Appellants' joint opening brief on the merits of the district court's decision (14,000 words);

April 26, 2002: Appellees' joint response brief on the merits of the district court's decision and appellees' objections to appellate jurisdiction (21,000 words);

May 10, 2002: Appellants' joint reply brief on the merits of the district court's decision and response on appellate jurisdiction (21,000 words);

May 16, 2002: Appellees' joint reply brief on appellate jurisdiction (7,000 words).

It is expected that the various appellants and appellees will join in these joint briefs to the greatest extent practicable. However, an individual appellant or appellee may file a separate brief addressing discrete issues particular to that party, as long as those issues are not merely repetitive of the arguments advanced in the joint brief. Such separate briefs are due on the same date as the joint brief addressing the relevant issues. The foregoing word limitations are established for the joint briefs without prejudice to motions for extension of those limitations if necessary to respond to the separate submissions.

A brief will be considered timely filed if it is deposited with an express mail service on the due date for overnight delivery on the next business day. In addition, all briefs shall be served on all parties by e-mail by 5:00 p.m. Eastern time on the due date. A list of e-mail addresses is attached to this order.

Edward Finch - schedulingorder.pdf

Oral argument will be held on June 17, 2002. The time will be fixed by the panel. The allocation of oral argument time will be as follows:

Appellants' opening argument: 1 hour

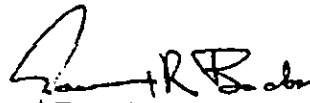
Appellees' argument: 1 hour, 20 minutes

Appellants' rebuttal: 20 minutes

The parties will determine an appropriate allocation of argument time for various counsel within these aggregate allotted times.

The temporary stay entered by this Court on February 11, 2002, as clarified by the order of March 19, 2002, will remain in effect until further order of the merits panel.

By the Court,



Chief Judge

Date: MAR 25 2002

mb/cc: All counsel record

ATTACHMENT: e-mail addresses for service**Appellants' counsel:****Ford Motor Company, General Motors Corporation, DaimlerChrysler Corporation:**

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